



State Senator
Rick Gudex

District 18

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High Capacity Well Issue Left Unresolved

Madison- Today the State Senate passed SB-239 regarding High Capacity Wells. The amended bill is likely dead unless the State Assembly comes back to Madison to concur with the bill.

Due to recent court decisions, the DNR's authority to oversee high capacity wells has expanded. This has resulted in more reviews, more paperwork, and more fees, which are particularly burdensome for small family farmers. This makes it harder and more expensive to operate, and reduces the value of a family's lifetime investments.

This bill causes zero reduction in the DNR's oversight over high capacity wells. The DNR already has and will continue to have the power to order a hearing into water usage under the Public Trust Doctrine, which could result in lowering of water usage or even shutting down of high capacity wells. The DNR also has the authority to modify or rescind a high cap well approval if the owner is ever found to be out of compliance with their agreement and state law.

"I am asking that my colleagues in the State Assembly return to work and give those that call Wisconsin home, the certainty they need to continue to do business here. I've talked with numerous dairy farmers, vegetable growers, cheese makers, and small business owners that consider this session a failure for the agricultural community unless this very bill is passed", said State Senator Rick Gudex.

Senator Gudex worked with a coalition of over twenty small business organizations to produce legislation that will:

1. Ensure that the owner of a high cap well can transfer ownership without triggering DNR review;
2. Allow owners to replace a failing well, as long as it is within 75 feet of the original and to substantially the same depth without triggering DNR review;
3. Reconstruct an existing well in conformance with existing rules without triggering DNR review;
4. Make clear that the transferred, reconstructed, or replaced well must comply with the original agreement with the DNR.

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